

REMARKS

Claims 1 and 2-21 remain pending after this amendment.

Claims 1, 11 and 18 are in independent form.

Rejection Under 35 USC 112

The rejection has been overcome by deletion of the objected material in Claims 1 and 11.

Rejection Under 35 USC 102

All independent claims incorporate in the body of the claim the volleyball of the preamble, thus distinguishing the devices disclosed in the cited Wagner reference. Moreover, in the reference the back and not the palm side of the hand-receiving portion is secured to the pad.

These distinctions now preclude rejection for lack of novelty over Wagner.

Rejection Under 35 USC 103

The purpose of the invention is helping a volleyball player to block an incoming volleyball while absorbing some of the impact in order to minimize the rearward bending force applied to the player's hand.

In looking for a device that can achieve this purpose, a designer would not be motivated to look at the Godleski patent. That reference discloses a display device which offers neither the stiffness required to absorb in impact of a volleyball nor the stability that permits some control over the ball. In selecting Godleski, the Examiner focused upon the solution (a glove-like structure) devised by the inventor rather than the problem or goal of the invention. The only motivation was

hindsight. Godleski teaches nothing toward the act of controllably blocking an incoming missile. Godleski is only concerned with providing manipulable display. The stiffening component **20** is only designed to give some rigidity to the display, not to absorb impact. It is made of ductile wire and is thus pliable and non-resilient. Consequently, Godleski cannot lend any degree of obviousness to the claimed device.

Wagner is somewhat relevant to the invention in that its purpose is to block an incoming puck. Its purpose is also to deflect the puck toward the side line. It only absorbs part of the impact by means of resilient foam layers not by flexing under the impact. It is not concerned with minimizing the backward bending force applied to the hand for the simple reason that it shields the back of the hand not the palm as does the invention. Accordingly, the angled deflector portion **3** of Wagner is not compatible with the blocking maneuver of a volleyball player who needs to retain a degree of control over the bouncing direction of the volleyball. Furthermore, the lack of flexibility of the Wagner shield teaches away from the shock-absorbing flexibility of the invention.

The independent Claims 1, 11 and 18 have been amended to recite the planar geometry of the device. Support for this amendment can be found in Figures 2, 3 and 4 of the drawing. The recitation that the device is engineered to absorb impact is supported by paragraph 007.

In view of the above, it is submitted that neither Godleski nor Wagner teaches anything toward the invention as now claimed.

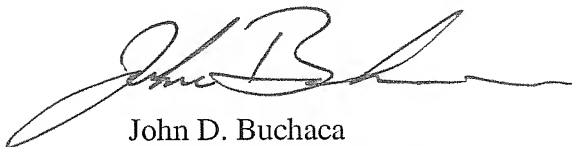
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In light of the foregoing arguments, the Applicant respectfully requests early allowance of the pending claims.

Respectfully submitted,

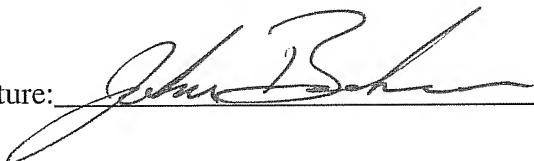


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I hereby certify that this correspondence is being transmitted electronically via the USPTO EFS-Web system to: Mail Stop Amendment, Commissioner for Patents, on March 27, 2009, by John D. Buchaca, Reg. No. 37,289.

Signature:  Date: 2009.03.27